

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

Date of Notice: 7/5/2024

Public Notice Number: PN2024-000017

Comment Period: 7/5/24 to 8/6/24

Action: Notice of Proposed Assessment of Class I Clean Water Act Section 309(g)(2)(A) Administrative Penalties and Opportunity to Comment

Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), EPA is authorized to assess a civil penalty after providing the person subject to the penalty, notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. In Class I proceedings under Section 309(g)(2)(A), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to \$26,685 per day per violation for each day during which the violation continued, up to a maximum penalty of \$66,712. Proceedings are conducted in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits,” at 40 C.F.R. Part 22 (“Part 22”).

The procedures by which the public may submit written comments on a proposed penalty order or participate in a penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed penalty order is thirty (30) days after issuance of public notice.

Pursuant to Section 309(g), EPA is providing public notice of the following proposed administrative penalty assessment:

FILED

12:50 PM

U.S. EPA REGION
HEARING CLERK

Name of Case:

In the Matter of: Barkley Enterprises LLC, Murray Road Residential Development

Name and Mailing Address of Respondent:

Barkley Enterprises LLC
1226 NH Route 119; Unit 7
Rindge, NH 03461

Name and Address of Facility or Site Addressed by Agreement:

Murray Road Residential Development
20 Murray Road
Ashburnham, MA 01430

Description of Business or Activity Conducted by Respondent:

Respondent is a residential home developer. The Murray Road Residential Development is a homebuilding operation in Ashburnham, MA.

Description of Violation(s) Alleged in Agreement:

Respondent discharged stormwater from the Murray Road Residential Development without authorization by any permit issued pursuant to the Clean Water Act in violation of section 301 of the Act, 33 U.S.C. § 1311 and once having obtained Permit coverage, failed to comply with certain provisions of the Permit.

Proposed Settlement Penalty: \$9,360

Docket Number: CWA-01-2024-0052

Date Filed with Regional Hearing Clerk: N/A

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: 4-MO
Boston, MA 02109-3912
(617) 918-1113
R1_Hearing_Clerk_Filings@epa.gov or Santiago.Wanda@epa.gov

We strongly encourage you to contact the Regional Hearing Clerk using either email address provided above or by calling her at (617) 918-1113. Please reference Docket No. CWA-01-2024-0052 in any comments submitted.

FOR FURTHER INFORMATION: Copies of Part 22 can be found at: <https://ecfr.io/Title-40/Part-22>. Persons wishing to receive a copy of Part 22, review the proposed agreement or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Documents in the public record for the proceeding will be provided electronically upon request.

Because this matter involves a CWA Section 309(g) proceeding that is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until ten (10) days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b) and (c).